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REMARKS

Applicant acknowledges the Examiner's review of the specification, claims, and drawings. In light of the above amendments and following remarks, Applicant respectfully requests reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

Election/Restriction:

The Examiner required restriction between two groups of claims, namely Group I represented by Claims 1-19 and 32-43 and Group II represented by Claims 20-31. Further, the Examiner required an election of species between two groups, namely Group III represented by Figures 15-21 and Group IV represented by Figures 16-35. In response, Applicant elected Groups I and IV, namely Claims 1-19 and 32-43 and Figures 16-35. Consequently, Claims 20-31 are withdrawn from consideration.

Drawings:

The Examiner objects to the drawings as failing to provide the proper cross-sectional shading when showing the invention in cross-section. Accordingly, Applicant has submitted herewith replacement sheets adding the appropriate cross-sectional shading. Further, the drawings have been corrected to eliminate extraneous reference lines and also to add the section line XIV-XIV.

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Specification:

The Examiner objects to the specification stating it is unclear whether Applicant intends to claim priority to U.S. provisional application 60/422,421 in addition to U.S. application 10/113,056. Applicant respectfully submits that the statement in the first line of the application claims priority to both applications; however, Applicant failed to identify the fact that the application claims priority from 10/113,056 as a continuation-in-part application. Therefore, please correct the claim of priority as noted above.

In reference to the use of the term "rail" interchangeably with the word "track", Applicant has amended the specification to provide a consistent use of the specification terminology.

In light of the amendments, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

Status of the Claims:

Claims 1, 2, 4-19, and 32-43 are pending in the application. Claim 3 and 20-31 have been cancelled herein.

Claim Rejections Under 35 U.S.C. § 112:

The Examiner rejects Claims 4-9, 12, 13-18 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicant has amended Claims 4, 12, and 13, which amendments are now believed to overcome the indefiniteness rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112 rejection of the claims.

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Claim Rejections Under 35 U.S.C. 35 U.S.C. § 103:

The Examiner rejects Claims 1-7, 10-18, 32-37, and 39-43 under 35 U.S.C. § 103(a) as being unpatentable over Ralston et al. in view of Gipson.

The Examiner rejects Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ralston et al. in view of Gipson and, further, in view of So et al.

The Examiner rejects Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Ralston et al. in view of Gipson and, further, in view of Gillen et al.

The Examiner rejects Claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Neaux in view of Oberheide and further in view of Saltzman.

The Examiner rejects Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Ralston et al. in view of Gipson and, further, in view of Staser et al.

Applicant respectfully traverses. Notwithstanding, Applicant has amended Claims 1 and 32 to more clearly define Applicant's invention, which now call for:

1. A vehicular rear window assembly comprising:
 - a first fixed pane;
 - a second fixed pane;
 - a sliding pane;
 - a drive assembly for moving said sliding pane, said drive assembly including a selectively driven cable having a first enlarged end and a second enlarged end; and
 - a support system comprising:
 - an upper horizontal member, a lower horizontal member, and a pair of spaced apart vertical members, said vertical members interconnecting said upper horizontal member and said lower horizontal member, said vertical members defining an opening, said fixed panes mounted between said upper and lower horizontal members; and
 - a carrier supporting said sliding pane for horizontal movement between open and closed positions, said carrier including an elongate body having an upper side with an upwardly facing channel for receiving a portion of said sliding

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pane therein and opposed ends having sides generally orthogonal to said upper side, said body further including sockets in said sides of said ends spaced below said upper side and enclosed by said upper side for receiving and latching said ends of said cable to said carrier wherein said cable moves said sliding pane when said cable is driven.

32. A vehicular rear window assembly comprising:
a first fixed pane;
a sliding pane;
a drive assembly for moving said sliding pane, said drive assembly including a selectively driven cable having a first enlarged end and a second enlarged end;
upper and lower tracks; and
a carrier supporting said sliding pane for horizontal movement along said upper and lower tracks between open and closed positions, said carrier including a body having an upper side with an opening for receiving a portion of said sliding pane therein, said body further including opposed ends, each of said opposed ends having a side generally orthogonal to said upper side and having a socket formed therein and spaced below said upper side and enclosed by said upper side, each of said sockets including an opening extending into a respective side of said opposed ends and a cavity behind said opening and in communication with said opening, each of said cavities including a portion offset from its respective opening, said openings for receiving said ends of said cable, and said ends of said cable being latched to said body when said ends are extended into said openings and seated in said portions of said cavities offset from said openings wherein said cable moves said sliding pane when said cable is driven.

Referring to Claim 1, Applicant respectfully submits that neither Ralston nor Gipson discloses or suggests the claimed combination. For example, neither Ralston nor Gipson alone or in combination discloses or suggests a vehicular rearview window assembly that includes a carrier that supports a sliding pane for horizontal movement between open and closed positions, with the carrier including an elongate body having an upper side with an upwardly facing channel for receiving a portion of the sliding pane therein and opposed ends having sides generally orthogonal to the upper side and with the body further including

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sockets in the sides of the ends, which sockets are spaced below the upper side and enclosed by the upper side for receiving and latching the ends of the cable to the carrier. Therefore, Applicant respectfully submits that Claim 1 and its dependent claims, namely Claims 2 and 4-19, are patentably distinguishable over Ralston et al. in view of Gipson or in view of any other reference of record.

With respect to Claim 32, Claim 32 has been similarly amended. Applicant respectfully urges that neither Ralston nor Gipson discloses or suggests a vehicular rearview mirror assembly with a carrier supporting a sliding pane, with the carrier including a body having an upper side with an opening for receiving a portion of the sliding pane therein and the body further including opposed ends each of which has a side generally orthogonal to the upper side and having a socket formed therein, which is spaced below the upper side and enclosed by the upper side. Therefore, Applicant respectfully urges that Claim 32 and its dependent claims, namely Claims 33-43, are patentably distinguishable over Ralston et al. in view of Gipson or any other reference of record.

In light of the above amendments and remarks, Applicant respectfully requests reconsideration of the present application and a Notice of Allowance of all claims, namely Claims 1, 2, 4-19, and 32-43.

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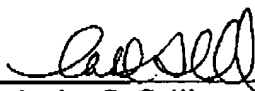
Should the Examiner have any questions or comments, the Examiner is invited
to contact the undersigned at (616) 975-5506.

Respectfully submitted,

JIM GALER

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: January 5, 2006



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Gregory J. Strimbu
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For : HORIZONTAL SLIDER WINDOW ASSEMBLY

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

COPY

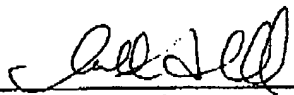
Dear Sir:

CERTIFICATE OF MAIL

I certify that the attached return postcard, Transmittal of Corrected Formal Replacement Drawings, and 16 sheets of corrected formal replacement drawings are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
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on January 5, 2006.


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Enclosures